



House of Representatives

General Assembly

File No. 467

February Session, 2014

Substitute House Bill No. 5424

House of Representatives, April 9, 2014

The Committee on Environment reported through REP. GENTILE of the 104th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING THE RESPONSIBILITIES OF THE WATER PLANNING COUNCIL.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 22a-352 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2014*):

3 (a) [The Department of Energy and Environmental Protection, the
4 Department of Public Health and the Office of Policy and Management
5 shall establish a continuing planning process and shall prepare and
6 periodically update jointly a state-wide long-range] Not later than
7 January 1, 2017, the Water Planning Council, established pursuant to
8 section 25-33o, shall prepare a state water plan for the management of
9 the water resources of the state. In [carrying out such preparation, the
10 aforesaid agencies] developing such state water plan, the Water
11 Planning Council shall: (1) Design a unified planning program and
12 budget; (2) coordinate regional water and sewer facilities plans; [and
13 provide technical or financial assistance to regional planning agencies
14 in the preparation of regional water and sewer facilities plans which

15 are necessary as guidelines for the planning and designing of local and
16 interlocal facilities and which are required by the federal government
17 as a prerequisite for grants to municipalities for the construction of
18 certain water and sewer facilities] (3) identify the data needs and
19 develop a consistent format for submitting data to regional planning
20 agencies for use in planning and permitting; (4) seek involvement of
21 interested parties; (5) solicit input from the advisory group established
22 pursuant to section 25-33o; (6) integrate individual water supply plans,
23 water quality standards, stream flow classifications, as described in
24 regulations adopted pursuant to section 26-141b, water utility
25 coordinating committee plans, the state plan of conservation and
26 development, as described in section 16a-30, and any other planning
27 documents deemed necessary by the council; and (7) update the model
28 ordinance for municipal water emergencies.

29 (b) The [state-wide water resources plan] state water plan
30 developed pursuant to subsection (a) of this section shall: (1) Identify
31 the quantities and qualities of water that [could be available to specific
32 areas under feasible distribution] are available for public water supply,
33 health and environmental benefits; (2) identify present and projected
34 demands for water [for specific areas] resources; (3) recommend the
35 utilization of the state's water resources, including surface and
36 subsurface water, for their greatest public water supply, health and
37 environmental benefits; (4) make recommendations for technology and
38 infrastructure upgrades and such major engineering works or special
39 districts which may be necessary, including the need, timing and
40 general cost thereof; (5) recommend land use and other measures
41 where appropriate to insure the desired quality and abundance of
42 water; (6) take into account desired ecological, recreational,
43 agricultural, industrial and commercial use of water bodies; (7) inform
44 residents of the state about the importance of water-resource
45 stewardship and conservation; (8) establish conservation guidelines
46 and incentives for consumer water conservation; (9) develop a water
47 reuse policy; (10) meet data collection and analysis needs to provide
48 for data driven water planning and permitting decisions; (11) take into
49 account the ecological, environmental and economic impact that

50 implementation of the state water plan will have on the state; (12)
51 include short and long-range objectives and strategies to communicate
52 and implement the plan; and [(7)] (13) seek to incorporate regional and
53 local plans and programs for water use and management and plans for
54 water and sewerage facilities in the [state-wide] state water plan.

55 [(c) Upon completion of each planning document and when
56 adopted by the Commissioner of Energy and Environmental
57 Protection, the Commissioner of Public Health and the Secretary of the
58 Office of Policy and Management, said final plan shall be submitted to
59 the General Assembly.]

60 (c) In adopting the state water plan, the Water Planning Council
61 shall provide a time period of not less than one hundred twenty days
62 for public review and comment prior to finalizing such plan. After
63 such public hearing, the council shall fully consider all written and oral
64 comments concerning the proposed state water plan. The council shall
65 make available the electronic text of the finalized state water plan or an
66 Internet web site where the finalized state water plan shall be posted
67 and a report summarizing: (1) All public comments received pursuant
68 to this subsection, and (2) the changes made to the finalized state water
69 plan in response to such comments and the reasons for such changes.

70 (d) Not later than January 1, 2018, the Water Planning Council, in
71 accordance with section 11-4a, shall submit the state water plan to the
72 joint standing committees of the General Assembly having cognizance
73 of matters relating to the environment, public health, planning and
74 development and energy and technology for said committees'
75 approval, revision or disapproval, in whole or in part. The council
76 shall submit such report to the Governor electronically.

77 (e) Not later than forty-five days after the convening of the next
78 regularly scheduled session of the General Assembly following
79 submission of such plan, said joint standing committees shall conduct
80 a joint public hearing on the state water plan. Not later than forty-five
81 days after completion of such joint public hearing, said joint standing
82 committees shall submit the plan with said committees'

83 recommendations for approval or disapproval to the General
84 Assembly. The state water plan shall become effective when adopted
85 by the General Assembly as the state water plan for the state, provided
86 if the General Assembly fails to adopt the plan on or before July 1,
87 2018, such state water plan shall be deemed approved.

88 (f) In the event that the General Assembly disapproves the state
89 water plan, in whole or in part, the state water plan shall be deemed to
90 be rejected and shall be returned to the Water Planning Council for
91 appropriate action.

92 (g) The Water Planning Council shall oversee the implementation
93 and periodic updates of the state water plan. On or before January 1,
94 2016, and annually thereafter, the Water Planning Council shall submit
95 a report, in accordance with section 11-4a, to the joint standing
96 committees of the General Assembly having cognizance of matters
97 relating to the environment, public health, planning and development
98 and energy and technology on the status of the development and
99 implementation of the state water plan.

100 Sec. 2. Section 25-33j of the general statutes is repealed and the
101 following is substituted in lieu thereof (*Effective July 1, 2014*):

102 The Commissioner of Public Health may enter into contracts with
103 consultants to provide services to water utility coordinating
104 committees. [The amount of any contract shall not exceed two hundred
105 thousand dollars.] Any appropriation made to the Department of
106 Public Health for the purposes of this section shall not lapse until [The]
107 the Department of Public Health has completed the planning process
108 for a water utility coordinating committee.

109 Sec. 3. (NEW) (*Effective July 1, 2014*) The Department of Public
110 Health and the Department of Energy and Environmental Protection
111 shall study the feasibility of creating a licensure program for water
112 professionals who are qualified by reason of their knowledge to assist
113 the Department of Public Health in carrying out the provisions of
114 sections 25-32, 25-33 and 25-34 of the general statutes. Such study shall

115 include, but not be limited to, desired professional qualifications for
116 such water professionals, appropriate responsibilities for such water
117 professionals and any cost to establish such licensure program. Not
118 later than January 1, 2015, said departments shall submit a report, in
119 accordance with section 11-4a of the general statutes, to the joint
120 standing committees of the General Assembly having cognizance of
121 matters relating to the environment, public health, planning and
122 development and energy and technology concerning such study.

123 Sec. 4. Section 28-9 of the general statutes is amended by adding
124 subsection (c) as follows (*Effective July 1, 2014*):

125 (NEW) (c) (1) The Water Planning Council, in consultation with the
126 regional councils of government, shall develop a water emergency
127 response plan.

128 (2) Whenever the Governor declares a major disaster due to a
129 drought, the regional councils of government in the affected area of the
130 state shall implement a response plan, in consultation with the
131 Departments of Energy and Environmental Protection and Public
132 Health, to restrict nonemergency water uses, including, but not limited
133 to, the watering of lawns.

134 (3) In any area of the state where the Governor declares a major
135 disaster due to a drought, the Department of Public Health may
136 authorize the use of greywater for purposes other than for the
137 provision of drinking water. For the purposes of this subsection,
138 "greywater" means wastewater other than sewage. "Greywater"
139 includes water from sink drainage and washing machine discharge.

140 Sec. 5. Section 25-32b of the general statutes is repealed and the
141 following is substituted in lieu thereof (*Effective July 1, 2014*):

142 [The Commissioner of Public Health, in consultation with the
143 Commissioner of Energy and Environmental Protection and the Public
144 Utilities Regulatory Authority,] The Governor may declare a public
145 drinking water supply emergency, for the state or a portion of the

146 state, upon receipt of information that a public water supply
147 emergency exists, [or] is imminent or can reasonably be expected to
148 occur without the immediate implementation of conservation
149 practices. Notwithstanding any other provision of the general statutes
150 or regulations adopted thereunder, or special act or municipal
151 ordinance, the Commissioner of Public Health, upon such a
152 declaration by the Governor, may authorize or order one or more of
153 the following: (1) The implementation of water conservation practices,
154 including, but not limited to, water use restrictions, by a public water
155 supply company or the municipality in which such emergency occurs,
156 (2) the sale, supply or taking of any waters, including waters into
157 which sewage is discharged, or (3) the temporary or permanent
158 interconnection of water mains for the sale or transfer of water among
159 water companies. The Public Utilities Regulatory Authority, upon such
160 a declaration by the Governor, shall determine the terms of the sale of
161 any water sold pursuant to this section if the water companies that are
162 party to the sale cannot determine such terms or if one of such water
163 companies is regulated by the authority. The authorization or order
164 may be implemented prior to such determination. Any authorization
165 or order shall be for an initial period of not more than thirty days but
166 may be extended for additional periods of thirty days up to one
167 hundred fifty days, consistent with the contingency procedures for a
168 public drinking water supply emergency in the plan approved
169 pursuant to section 25-32d, to the extent the Commissioner of Public
170 Health deems appropriate. Upon request by the Commissioner of
171 Public Health, the Commissioner of Energy and Environmental
172 Protection, pursuant to section 22a-378, shall suspend a permit issued
173 pursuant to section 22a-368 or impose conditions on a permit held
174 pursuant to said section. The time for such suspension or conditions
175 shall be established in accordance with subdivision (1) of subsection (a)
176 of section 22a-378. As used in this section and section 22a-378, "public
177 drinking water supply emergency" includes the contamination of
178 water, the failure of a water supply system or the shortage of water.

179 Sec. 6. (*Effective July 1, 2014*) The Water Planning Council shall enter
180 into a memorandum of understanding with The University of

181 Connecticut for the development of a work plan that establishes a
182 method for undertaking the development of the state water plan by the
183 council.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2014</i>	22a-352
Sec. 2	<i>July 1, 2014</i>	25-33j
Sec. 3	<i>July 1, 2014</i>	New section
Sec. 4	<i>July 1, 2014</i>	28-9
Sec. 5	<i>July 1, 2014</i>	25-32b
Sec. 6	<i>July 1, 2014</i>	New section

ENV *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

The bill requires the Department of Public Health (DPH) and the Department of Energy and Environmental Protection (DEEP) to conduct a feasibility study on licensing water professionals. This is not anticipated to result in a fiscal impact as both agencies currently have expertise in this area.

The Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis**sHB 5424*****AN ACT CONCERNING THE RESPONSIBILITIES OF THE WATER PLANNING COUNCIL.*****SUMMARY:**

This bill requires the state's Water Planning Council (WPC) to prepare a state water plan by January 1, 2017, replacing the state's long-range water resources management plan, which was never developed. It (1) prescribes the WPC's tasks in developing the plan, (2) establishes the plan's required content, (3) creates a procedure for public notice and comment, and (4) requires the plan to be submitted to the General Assembly for review and approval (see BACKGROUND).

Under the bill, the WPC must also (1) oversee the plan's implementation and periodic updates and (2) annually report on its development and implementation. The bill requires the WPC to enter into a memorandum of understanding with UConn to prepare a work plan on the method for developing the state water plan.

The bill also:

1. requires the WPC to develop a water emergency response plan that regional councils of government (COGS) must implement when the governor declares a major drought disaster;
2. authorizes the Department of Public Health (DPH) to permit the use of greywater during a major drought disaster;
3. transfers, from DPH to the governor, authority to declare a public drinking water supply emergency;
4. expands DPH's authority during such an emergency to include

authorizing or ordering public water supply companies or municipalities to conserve water;

5. requires DPH and the Department of Energy and Environmental Protection (DEEP) to conduct a feasibility study of licensing water professionals; and
6. eliminates the \$200,000 cap on the value of any DPH contract for water utility coordinating committee consultants (see BACKGROUND).

The bill also makes technical changes.

EFFECTIVE DATE: July 1, 2014

§ 1 — STATE WATER PLAN

Purpose

Under the bill, the WPC's state water plan replaces the current statewide long-range water resources management plan that DEEP, DPH, and the Office of Policy and Management (OPM) must prepare and periodically update as part of a continuing planning process.

The bill shifts, from the agencies to the WPC, responsibility to (1) design a uniform planning program and budget and (2) coordinate regional water and sewer facilities plans. It eliminates a requirement that the WPC provide technical or financial assistance to regional planning agencies (RPAs) in preparing such plans. It also requires the WPC to:

1. identify data needs and develop a consistent format for submitting data to RPAs for planning and permitting uses;
2. involve interested parties and solicit input from its advisory group;
3. integrate the plan with individual water supply plans, water quality standards, stream flow classifications, water utility coordinating committee plans, the State Plan of Conservation

and Development, and other planning documents the WPC considers necessary; and

4. update the model ordinance for municipal water emergencies.

Plan Content

The bill establishes the state water plan's required elements, including some that are generally the same as those current law requires for the long-range plan.

As with the long-range plan under current law, the state water plan must:

1. identify water quantities and qualities (specifically, resources available for public water supply, health, and environmental benefits, rather than those that could be feasibly distributed to specific areas);
2. identify current and future water demand;
3. recommend using the state's water resources for maximum benefit;
4. recommend major engineering works or special districts, as well as technology and infrastructure upgrades;
5. recommend land use and other measures to ensure the desired water quality and quantity;
6. consider desired recreational, agricultural, industrial, and commercial uses, as well as ecological uses; and
7. try to incorporate regional and local water use and management plans and programs and water and sewerage facilities plans.

The bill also requires the state water plan to:

1. inform residents about the importance of water-resource stewardship and conservation;

2. establish conservation guidelines and incentives for consumer water conservation;
3. develop a water reuse policy;
4. meet data collection and analysis needs to provide for data-driven water planning and permitting decisions;
5. consider the plan's ecological, environmental, and economic impacts on Connecticut; and
6. include short- and long-range objectives and strategies to communicate and implement the plan.

Public Review and Comment

Before finalizing the plan, the bill requires the WPC to (1) provide the public with at least 120 days to review and comment on it and (2) consider all written and oral comments. (The bill refers to the WPC conducting a public hearing but it does not require one.)

The WPC must then make available:

1. the electronic text of the finalized plan or a website where the plan is posted and
2. a report summarizing the (a) public comments and (b) changes to the plan based on the comments and the reasons for the changes.

Legislative Review and Approval

Under the bill, the WPC must submit the state water plan, by January 1, 2018, to the Energy and Technology, Environment, Planning and Development, and Public Health committees for their approval, revision, or disapproval. The WPC must also electronically submit the plan to the governor.

The committees must hold a joint public hearing on the plan within 45 days after the next regularly scheduled legislative session convenes.

They may approve, disapprove, or revise the plan in whole or in part. Within 45 days after the hearing, they must submit the plan with their recommendations for approval or disapproval to the General Assembly.

The state water plan (1) becomes effective when the General Assembly adopts it or (2) is deemed approved if the General Assembly fails to do so by July 1, 2018.

If the General Assembly disapproves the plan, in whole or in part, the plan is deemed rejected and is returned to the WPC for “appropriate action.” The bill does not specify what action the WPC may take.

Annual Reports

Beginning January 1, 2016, the WPC must annually report on the plan’s development and implementation to the Energy and Technology, Environment, Planning and Development, and Public Health committees.

§ 4 — WATER EMERGENCY RESPONSE PLAN

The bill requires the WPC to develop a water emergency response plan, in consultation with the COGS.

Under the bill, if the governor declares a major disaster drought, COGS in the affected area must implement a response plan to restrict nonemergency water uses, such as lawn watering. The COGS must do this in consultation with DPH and DEEP.

The bill also authorizes DPH to permit the use of greywater, for uses other than drinking, in areas where the governor issues a major drought disaster. Greywater means wastewater other than sewage and includes sink drainage and washing machine discharge water.

§ 5 — PUBLIC DRINKING WATER SUPPLY EMERGENCY

The bill gives the governor, instead of the DPH commissioner in consultation with the DEEP commissioner and the Public Utilities

Regulatory Authority (PURA), the authority to declare a public drinking water supply emergency. The bill specifies that the declaration may be for the whole state or part of it. By law, a public drinking water supply emergency includes water contamination, water shortage, or a water supply system failure (CGS § 25-32b).

The bill also allows the governor to declare such an emergency when one can reasonably be expected to occur unless conservation practices are immediately implemented. By law, the emergency may also be declared after receiving information that such an emergency exists or is imminent.

Existing law allows the DPH commissioner to, during a public drinking water supply emergency, permit or order the (1) sale, supply, or taking of waters or (2) temporary interconnection of water mains to sell or transfer water between water companies. The bill expands the commissioner's authority to include allowing or ordering (1) a public water supply company or the municipality where the emergency occurs to implement water conservation practices or (2) permanent water main interconnections for selling or transferring water between water companies. The bill also permits her to take more than one of these actions or those authorized under existing law.

§ 3 — WATER PROFESSIONAL FEASIBILITY STUDY

The bill requires DPH and DEEP to study the feasibility of creating a program to license water professionals. The program would apply to people who are qualified to help DPH review and investigate water supply matters. The study must include the (1) desirable qualifications and appropriate responsibilities for the professionals and (2) cost to establish the program.

The departments must report on the study, by January 1, 2015, to the Energy and Technology, Environment, Planning and Development, and Public Health committees.

BACKGROUND

Water Planning Council

The council consists of the PURA chairperson, DEEP and DPH commissioners, and the OPM secretary, or their designees. It is charged with addressing issues involving water companies, water resources, and state drinking water supply policies (CGS § 25-33o).

Water Utility Coordinating Committees (WUCCs)

The state is divided into seven management areas based on factors such as similarity of supply problems, proliferation of small water systems, groundwater contamination, and over-allocated water resources. DPH convenes a WUCC for a particular management area to address these issues. A WUCC consists of one representative from each public water system with a source of supply or service area within the public water supply management area and one representative from each RPA within the management area (CGS §§ 25-33d to 25-33j).

COMMITTEE ACTION

Environment Committee

Joint Favorable Substitute

Yea 27 Nay 1 (03/21/2014)